

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
MARCH 2, 2006**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, March 2, 2006, beginning at 2:00 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mrs. Margaret Mailler, Vice-Chairperson; Mr. James W. Van Luven, Secretary; Mr. Serf Guerra and Mr. Maximilian Tufts. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kimberley Johnson, Zoning Administrator; Mr. Fred Hodge, Senior Planner and Mrs. Fran Williams, Administrative Specialist. Members absent were Mrs. Carolyn Bowen and Mr. Roger Martella.

MINUTES:

On motion made by Mr. Van Luven and seconded by Mr. Tufts, it was moved to approve the February 2, 2006 minutes.

The motion carried unanimously.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Williams read the Public Hearing protocol. Mr. Hodge stated that, to the best of his knowledge, the cases before the Board of Zoning Appeals for a public hearing had been properly advertised, posted, and letters of notification sent to adjoining property owners.

**ZONING APPEAL #ZNAP06-SC-002, EZRA LEADERSHIP INSTITUTE
(OWNER/APPLICANT)**

Applicant is appealing the Zoning Administrator's determination that a proposed use is classified under the Zoning Ordinance as "College/University", PIN #7916-09-5069-000, located at 6216 Pilgrims Rest Road East, Scott District, Warrenton, Virginia. ***Note: This is a public meeting, not a public hearing.***

Mr. Hodge stated that due to a procedural error, the applicant's attorney has requested postponement until next month's meeting.

On motion made by Mr. Guerra and seconded by Mr. Tufts, it was moved to postpone action on this item until the April 6, 2006 meeting, as requested.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT06-MA-021, BRIAN NOYES & WILLIAM D. MCNEILL
(OWNERS/APPLICANTS)**

Applicants are requesting special permit approval to operate a cottage industry for the preparation of preserves, jams, and baked goods, PIN #6946-70-1379-000, located at 10130 Conde Road, Marshall District, Marshall, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of these minutes.

Mr. Meadows opened the public meeting.

Mr. Brian Noyes, applicant, expressed agreement with the staff report.

In that there were no further speakers, Mr. Meadows closed the public hearing.

On motion made by Mr. Van Luven and seconded by Mrs. Mailler, it was moved to grant the special permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties and will not impair the value of nearby land.
2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.
3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.
5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for special permits.

The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The business shall be operated in general conformance with the information supplied with the special permit application.
2. The applicant will be the lone employee of the business.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT06-LE-023, BEALETON VILLAGE CENTER, LLC
(OWNER)/GPD GROUP (APPLICANT)**

Applicant is requesting special permit approval to operate an eatery establishment/fast food carry-out restaurant (Pizza Hut – WingStreet), PIN #6899-25-8868-000, located at 6346 Village Center Drive, Lee District, Bealeton, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of these minutes.

Mr. Meadows opened the public hearing.

Mr. Jesse Rufener, applicant's representative, expressed agreement with the staff report.

In that there were no further speakers, Mr. Meadows closed the public hearing.

On motion made by Mr. Tufts and seconded by Mr. Van Luven, it was moved to grant the special permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties and will not impair the value of nearby land.
2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.
3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.
5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for special permits.

The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The use shall be in general conformance with the information, drawings, and plat submitted with the special permit application.

The motion carried unanimously.

OTHER BUSINESS:

Mrs. Gallehr stated that The Salahi Family Limited Partnership (Oasis Winery) has filed a lawsuit against the BZA challenging its decision to affirm the Zoning Administrator's decision in determining that there was a violation on their property. Mrs. Gallehr further stated that this lawsuit has been combined with one filed against the Board of Supervisors alleging that the Ordinance regulating wineries is void. The County will be represented by Bob Mitchell, Esquire.

Mrs. Gallehr updated the Board on the status of House Bill 1435, stating that this proposed legislation would accomplish the following:

- Exempt the processing of wine by licensed farm wineries from local special exception or special use permit authority.
- Impose a one (1) year moratorium on any local special exception or special use permit requirements being more restrictive than what is in effect as of January 1, 2006.
- Provide that any such permit already in effect as of January 1, 2006 shall remain in effect until July 1, 2007.
- Codify the Secretary of Agriculture and Forestry's ongoing study of farm wineries to better facilitate the development of good state policy.

Mr. Guerra expressed appreciation for the hard work and continued efforts of Mr. Todd Benson, Assistant Zoning Administrator, in representing the County at the hearings in Richmond.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:35 p.m.

John R. Meadows, Chairperson

James W. Van Luven, Secretary

Copies of all files and materials presented to the BZA are attached to and become a part of these minutes. A recording of the meeting is on file for one year.